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ORIGINAL

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington DC 20554

In the Matter of )  
 )  
Petition for Rulemaking and )  
Petition for Relief in )  
Section 214 Video Dialtone )  
Application Process )

DA 94-621

RM-8491

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JUL 12 1994

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

**COMMENTS OF THE NATIONAL CAPTIONING INSTITUTE, INC.**

1. The National Captioning Institute, Inc. ("NCI") hereby submits these Comments in response to the Commission's Public Notice concerning the above-referenced petitions.<sup>1/</sup> These Comments reflect NCI's concern that the ongoing inquiry into "redlining" of minority or low income neighborhoods in the provision of video dialtone services may overlook another, equally important source of discrimination: the potential loss of deaf and hard of hearing people's access to captions encoded in line 21 of TV signals.

2. NCI is a nonprofit corporation created by Congress in 1979. It is the leading organization providing captioning services to the television industry. NCI's services primarily involve the creation of captions. These are "hidden subtitles," or visual presentations of a television program's dialogue, that appear on the screens of suitably equipped television receivers.

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<sup>1/</sup> Petition for Rulemaking and Petition for Relief in Section 214 Video Dialtone Application Process, Public Notice DA 94-621 (released June 13, 1994).

The captions are transmitted as data on line 21 of the vertical blanking interval ("VBI") of the television signal.<sup>2/</sup>

3. NCI has spearheaded the development of captioning encoding and decoding equipment. From 1980 until last year, NCI was the sole manufacturer of decoders (Telecaption™) for the consumer market. NCI has also developed integrated circuit technology to be built into new television receivers. NCI has worked with television equipment manufacturers, television signal distributors, and television programmers to prevent or resolve problems between new television signal delivery technologies and the carriage of a television program's line 21 captions.

**Access to Captions Will Soon Be Universal.**

4. Since July 1, 1993, all new television receivers with a 13-inch or larger screen have been required to incorporate built-in circuitry to decode captions.<sup>3/</sup> Set-top decoders are available for older receivers. As the inventory of receivers in use is gradually replaced, receivers with built-in decoding capability will become ubiquitous. This will make line 21 caption decoders the most common of all consumer features on TV receivers -- even more common than remote controls. Access to line 21 captions will be universally available to every American. This fact is of the utmost importance to the deaf and hard-of-

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<sup>2/</sup> See 47 C.F.R. § 73.682(a)(22).

<sup>3/</sup> 47 C.F.R. § 15.119.

hearing population.<sup>4/</sup> To these viewers, caption-decoding circuitry is not a frill or a luxury, but a necessity -- not only to enjoy entertainment programming, but also to participate in the Nation's political life. For these reasons, captioning merits the Commission's closest attention in this proceeding and inclusion in its video dialtone rules and policies.

**The Commission's Treatment of Line 21 Captioning  
Should Extend to Video Dialtone Services.**

5. The Commission recently acknowledged that the transmission and preservation of line 21 captions serves an important public interest and is consistent with the Congressional intent underlying the passage of the Television Decoder Circuitry Act of 1990.<sup>5/</sup> In the proceeding cited, the Commission required cable television systems to deliver line 21 captions to viewers, intact and in a form that can be decoded by line 21 decoding circuitry that meets the Commission's standards.<sup>6/</sup> More recently still, both Congress and the Commission reaffirmed the importance of captioning by explicitly

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<sup>4/</sup> Captions are also useful to people who are not deaf or hard-of-hearing, including those learning English. Moreover, other captioning services may develop as decoding circuitry becomes universal.

<sup>5/</sup> Cable Television Technical and Operational Requirements, 7 FCC Rcd 2021, 2031-32 (1992). See also House Report No. 101-767 at 3 ("The Bill mandates that the [FCC] take appropriate action to ensure that closed captioning services continue to be available to consumers as new video technologies . . . are developed.")

<sup>6/</sup> See 47 C.F.R. § 15.119.

mandating that cable systems required to carry certain broadcast stations include their line 21 caption transmissions.<sup>7/</sup>

6. In view of the intent of Congress that captioning be available via new technologies, and given the overall public interest in maintaining access to line 21 captions, the Commission should extend its recent actions on transmission and preservation of line 21 captions to video dialtone. A model for rules the Commission could adopt in this proceeding already exists in the cable television technical and operational requirements.<sup>8/</sup> NCI urges the Commission to adopt similar rules for video dialtone.

7. Compression technologies being developed for video dialtone applications are evolving rapidly. NCI understands that some of the proposed compression schemes may not be compatible with existing decoder technology. In view of the importance of captioning to the public, NCI urges the Commission to condition its approval of specific video dialtone applications on compatibility with decoders that comply with Section 15.119 of the Commission's Rules.

### **Conclusion**

8. The Commission's efforts to implement new television program delivery services, including video dialtone, is consistent with the public interest; but the Commission must

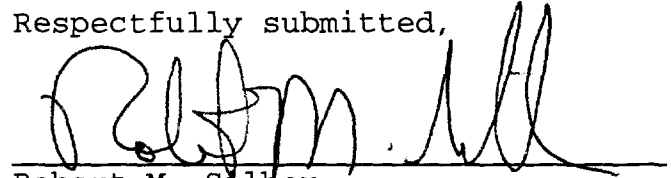
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<sup>7/</sup> 47 U.S.C. §§ 534(b)(3)(A), 535(g)(1) (Cable Television Consumer Protection and Competition Act of 1992); 47 C.F.R. §§ 76.64(e), (f).

<sup>8/</sup> 47 C.F.R. § 76.606(a).

ensure that deaf and hard-of-hearing television viewers continue to be regarded as integral to this nation's television viewing audience and have uninterrupted access to television programs' line 21 captions in each television program delivery environment.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Silber', written over a horizontal line.

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